

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

_____)	
OTHENTEC, LIMITED, <u>et al.</u> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 06-0186
)	
JEFFREY PHELAN, <u>et al.</u> ,)	
)	
Defendants.)	
_____)	

ORDER

For the reasons stated in the accompanying Memorandum
Opinion, it is hereby

ORDERED that:

- (1) Plaintiffs' Motion to Strike is DENIED;
- (2) Plaintiffs' Motion to Dismiss is GRANTED in part and
DENIED in part, in that all counts of Defendants'
Counterclaim and Third-party Complaint, except for
Count 9, Count 11, and Count 12, are DISMISSED as to
Plaintiffs;
- (3) Third-party Defendant Lonny McClung's (McClung) Motion
to Strike is GRANTED and Defendants' Counterclaim and
Third-party Complaint is DISMISSED as to McClung;
- (4) Third-party Defendant Ronald Doeve's (Doeve) Motion to
Strike is GRANTED and Defendants' Counterclaim and
Third-party Complaint is DISMISSED as to Doeve;

- (5) Third-party Defendant Doeve's Motion to Dismiss is DENIED as moot;
- (6) Third-party Defendants Jerry Nims (Nims) and Orasee Corp.'s (Orasee) Motion to Strike is GRANTED and Defendants' Counterclaim and Third-party Complaint is DISMISSED as to Nims and Orasee;
- (7) Third-party Defendants Nims and Orasee's Motion to Dismiss is DENIED as moot, and
- (8) Defendants shall have fourteen (14) days to file an Amended Counterclaim and/or Amended Third-party Complaint.

/s/

CLAUDE M. HILTON
UNITED STATES DISTRICT JUDGE

Alexandria, Virginia
May 19, 2006